



believing in children, learning together

Accord Coalition  
39A Moreland Street  
London, EC1V 8BB  
Tel: 020 7324 3071  
Mob: 07770 722 893

[paul@accordcoalition.org.uk](mailto:paul@accordcoalition.org.uk)

<http://www.accordcoalition.org.uk>

## **Submission to the Commission on Religion and Belief in British Public Life from the Accord Coalition**

### **Summary**

The role of religion and belief in the state funded education systems in the UK is a longstanding source of tension, both politically and socially. Politically, debate is held back by perceived belief group interests, and policy and practice is applied inconsistently and, at times, is far removed from mainstream values and international practice. Meanwhile in social terms, faith schools are a major source of religious discrimination and segregation in the school system and, overall, the sector impedes the growth of greater mutual understanding.

Accord is a campaign coalition of civil society organisations, launched in 2008, that includes religious groups, humanists, teachers, trade unionists, educationalists and civil rights activists. Although Accord's supporters derive inspiration for their values from different sources, they are united in working together to ensure state funded schools respect and uphold civil rights and promote mutual understanding, especially on the grounds of religion and belief. Given its area of expertise, Accord has confined its submission to this area of the state funded systems of England and Wales. Our submission is in four parts:

### **1. Religious selection in pupil admissions**

### **2. Faith school employment**

### **3. School Curriculum**

### **4. Overall Conclusions**

Overall, Accord urges the Commission to draw attention to the disagreement about the role of religion and belief in schools; to call upon all parties to forge a more sustainable political consensus based on serving the common good, and to urge much greater leadership from Government.

Accord's submission addresses general questions posed by the consultation, namely question 1, regarding society's sense of ease with the diversity of modern British society in terms of religion and belief; question 2 about how political topics around the role of religion and belief in schools are covered in the media, and question 4, regarding how religion and belief is handled in the curricula of state funded schools. Its submission also address specific questions posed by the Commission under its 'Education and Training' subsection, namely, question 1 and the appropriateness and adequacy of teaching about religion and beliefs in state funded schools; question 3, regarding selection of pupils and staff on grounds of religion or belief, and question 5, about recommendations relating to education and training that the Commission should make in its final report.

## **1. Religious selection in pupil admissions**

**In this section Accord's submission addresses the first general question posed by the consultation - regarding society's sense of ease with the diversity of modern British society in terms of religion and belief - as well as two questions posed in its 'Education and Training' section: question three regarding selection of pupils and staff on grounds of religion or belief and question 5 about recommendations relating to education and training that the Commission should make in its final report.**

Accord is opposed religious selection in pupil admissions because it is discriminatory - faith school admission policies are exempt from the prohibition against religious discrimination in the Equality Act so that they can select by faith. Accord's believes schools' conduct should be exemplary and that it is wrong to entrench religious discrimination in the very institutions that should be equipping pupils for positively critical and respectful engagement with the challenges of living in a mixed-belief society. Schools play a vital role in advancing pupils' spiritual, moral, social and cultural development. If our schools are not inclusive then our society will not be.

It also thinks discrimination in pupil admissions should be brought to an end because of the wider damage it can cause to community cohesion. By dividing and segregating children on religious grounds in schools, environments are created where children grow up more removed from those of different backgrounds. This can compound the negative effects of existing residential discrimination, serving to help to create communities where mistrust between groups can more readily develop, potentially storing up further problems for the future.

Division on the grounds of religion by schools can also have an added complexity of serving as a proxy for division on the grounds of race, ethnicity and, increasingly, by socio-economic group. By default such division also makes other nearby schools less homogenous, preventing those wishing to admit a comprehensive intake from doing so.

Children and families of South Asian heritage are especially disadvantaged by religious selection, as the vast majority are not Christian or Jewish. Data from the 2011 Census breaks down religious affiliation by Indian, Pakistani or Bangladeshi ethnicities and shows<sup>1</sup> that of the almost 3 million people in England and Wales recorded as having such an ethnicity, only 161,146 (5.4%) were Christian or Jewish. In contrast 99% of the state funded schools in England and Wales are either Christian or Jewish.

### **Undermining community cohesion**

Religious selection in faith schools has been accused as exacerbating ethnic division. Experience from Northern Ireland plays a significant role in debate in Great Britain. Although Northern Ireland's history of inter-cultural tension has very long roots, almost 95% of its children are educated in either a Roman Catholic or notionally protestant school, compounding the segregatory effects of pre-existing residential segregation and helping perpetuate a 'them and us culture' and creating more fertile conditions for mistrust.

Ethnic segregation in the school system has however also been cited as a source of division in England, which is more ethnically diverse. 'The Cattle Report'<sup>2</sup> (2001) investigated causes of race riots in Oldham and other towns in Northern England that year. It found that ethnic segregation in

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<sup>1</sup>[http://www.nomisweb.co.uk/census/2011/DC2201EW/view/2092957703?rows=c\\_ethpuk11&cols=c\\_relpuk1](http://www.nomisweb.co.uk/census/2011/DC2201EW/view/2092957703?rows=c_ethpuk11&cols=c_relpuk1)

<sup>2</sup><http://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/11/communitycohesionreport.pdf>

the school system undermined community cohesion and cited some faith schools as helping to perpetuate such division via '... operating discriminatory policies where religious affiliations protect cultural and ethnic divisions'.

In contrast, there is a body of academic work highlighting the contribution that ethnically mixed schools can have on boosting the growth of mutual understanding. Among the key findings of 'Social Capital, Diversity and Education Policy'<sup>3</sup> (2006) by Professor Irene Bruegel of the London South Bank University Families & Social Capital ESRC Research Group were that 'Friendship at primary schools can, and does, cross ethnic and faith divides wherever children have the opportunity to make friends from different backgrounds. At that age, in such schools, children are not highly conscious of racial differences and are largely unaware of the religion of their friends ... There was some evidence that parents learned to respect people from other backgrounds as a result of their children's experiences in mixed schools.' (p2)

'Identities in Transition: A Longitudinal Study of Immigrant Children'<sup>4</sup> (2008) by Rupert Brown, Adam Rutland & Charles Watters from the Universities of Sussex and Kent for the Economic and Social Research Council, found that '... the effects of school diversity were consistent, most evidently on social relations: higher self-esteem, fewer peer problems and more cross-group friendships. Such findings show that school ethnic composition can significantly affect the promotion of positive intergroup attitudes. These findings speak against policies promoting single faith schools, since such policies are likely to lead to reduced ethnic diversity in schools' (p9). Accord is not opposed to schools with a religious foundation, but thinks society should be concerned about the impact on social relations from homogenous schools, whether they are faith based or not, especially in diverse areas.

'Are minority status children's cross-ethnic friendships beneficial in a multiethnic context?'<sup>5</sup> (2014) by Sabahat C. Bagci Adam Rutland, Madoka Kumashiro, Peter K. Smith and Herbert Blumberg of The University of London surveyed two hundred and forty seven pupils of South Asian ancestry in London. It found that while friendship quality, rather than quantity, had direct positive association with children's psychological well-being, a higher quantity of cross-ethnic friendships moderated the negative effects of perceived ethnic discrimination. Earlier research has identified a positive contribution to wider community relations from ethnically mixed schools, whereas this paper points to direct benefits for individual pupils.

Meanwhile, the 2001 'Oldham Independent Review'<sup>6</sup> (otherwise known as the 'Ritchie Report') was commissioned by the Government, Oldham Metropolitan Borough Council and the local police authority after race riots in the town. It found that 'Educational mixing: This is closely linked to residential, and in our view it is desirable in principle that as many schools as possible, should have mixed intake so that children growing up can learn one another's customs and cultural backgrounds and accept that stereotypes and racism are unacceptable.' (p7)

Concern about ethnic and religious segregation is not new. Below is a quote from Dr James Doyle, the Roman Catholic Bishop of Kildare and Leighlin, given before a Committee of the UK Parliament in 1830. It is hard not to conclude that relations on the island of Ireland today would be stronger, and history perhaps also different, had his views been acted upon.

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<sup>3</sup> <http://www.lsbu.ac.uk/families/publications/SCDiversityEdu28.8.06.pdf>

<sup>4</sup> <http://accordcoalition.org.uk/wp-content/uploads/2010/11/Identities-in-Transition.-A-Longitudinal-Study-of-Immigrant-Children.pdf>

<sup>5</sup> <http://onlinelibrary.wiley.com/doi/10.1111/bjdp.12028/abstract;jsessionid=F7D2E9268E1233DAF9AB578D91B4967C.f02t01>

<sup>6</sup> <http://image.guardian.co.uk/sys-files/Guardian/documents/2001/12/11/Oldhamindependentreview.pdf>

*"I do not see how any man, wishing well to the public peace, and who looks to Ireland as his country, can think that peace can ever be permanently established, or the prosperity of the country ever well secured, if children are separated at the commencement of life on account of their religious opinions. I do not know any measure which would prepare the way for a better feeling in Ireland than uniting children at an early age, and bringing them up in the same schools, leading them to commune with one another, and to form those little intimacies and friendships which often subsist through life. Children thus united, know and love each other, as children brought up together always will; and to separate them is, I think, to destroy some of the finest feelings in the hearts of men."*

**Dr James Doyle, Bishop of Kildare and Leighlin, 1830**

### **Socio-economic selection**

There has long been anecdotal evidence that some parents feign religious belief or/and practice to help their child into a popular faith school. However, in the last year several new pieces of research have cast further light on this area.

A December 2013 survey<sup>7</sup> commissioned by The Sutton Trust and carried out by YouGov provided a unique insight as to how Church attendance based admission policies are being widely abused. The poll showed that 6% of all parents with a child currently at a state school admitted to attending church services that they would have not otherwise, so that a child could go to a Church School. However, among parents of socio-economic group A this figure rose to 10%, showing that religiously selective admissions arrangements are more readily misused by insincere church attendance among the more affluent.

These figures are remarkably high when it is considered how few school places these parents are chasing. Faith schools tend to be smaller than other schools and only educate a quarter of pupils in the state funded sector in England and Wales. Many of these schools are also not oversubscribed, so do not select pupils by faith in the first place, and many that are do not reward church attendance in their over-subscription policy. For example, most voluntary controlled faith schools do not show any preference on faith grounds, while many Roman Catholic schools instead show preference to children who have been baptised.

However, in January 2014 the Pastoral Research Centre released data suggesting that baptism may also be being manipulated. The Centre showed<sup>8</sup> that while the number of baptisms of children under the age of one in England and Wales was in long term decline, the number of baptisms of those aged over one had risen dramatically over the previous decade. The change is consistent with parents instead having children baptised as the child gets nearer to school age, as part of a strategy to increase their chance of being admitted to a popular Church School (and educated school alongside more aspirational families). This might be a provocative supposition were it not already shown that admission arrangements that reward church attendance were already widely abused by those seeking to queue jump.

Unsurprisingly a correlation has been found between the extent of religious selection in pupil admissions and socio-economic exclusion. The Fair Admissions Campaign (FAC) is a single issue group co-founded by Accord and many others in June in 2013 – it seeks to bring selection by faith to

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<sup>7</sup> <http://www.suttontrust.com/researcharchive/parent-power/>

<sup>8</sup> <http://fairadmissions.org.uk/church-baptisms-move-away-from-birth-and-towards-school-admission-deadlines/>

state funded schools to an end. In December 2013 the Campaign launched an online tool<sup>9</sup>, mapping the extent of social and ethnic inclusiveness of all secondary schools in England, and showing the extent to which the oversubscription policy at secondary faith schools were religiously selective.

By using school and neighbourhood level statistics on free school meals eligibility, and taking into account the age of the pupils at each school and the difference in eligibility between primary and secondary schools, the FAC constructed a profile for every secondary school based on what it should look like if it admitted those children living nearest to it. The Campaign then compared to the actual pupil profile at each school, as shown by the Department for Education's annual School Census.

The FAC found that faith schools admitted fewer children eligible for free school meals than lived locally to them. However, by simultaneously looking at the extent to which each schools' admissions policy privileged applications on faith grounds, it was able to make a direct comparison between how socio-economically inclusive a faith school was with the level of religious selection it permitted. The Campaign found<sup>10</sup> that secondary schools without a religious character admitted, in proportional terms, 10.66% more pupils entitled to free school meals than if they admitted those children living nearest to them (it should be factored in that this group included the very large majority of grammar schools). In contrast however, faith schools admitted 18.44% fewer. However, there was a marked difference between those faith schools that selected by faith and those that did not.

Those faith secondary schools that had an admissions policy that permitted all pupils to be selected on faith grounds if sufficiently oversubscribed (the majority of secondary faith schools) admitted 26.71% fewer pupils entitled to free school meals than if they admitted local children. Those that did not select by faith in any way (a small, but noticeable and growing number of faith schools) admitted 3.87% more. Due to their large number, the FAC found that religiously selective schools make a greater contribution in making the state funded school system more segregated on socio-economic grounds at the secondary stage than grammar schools do. It also calculated that religious selection by state funded schools (at both primary and secondary stages) makes the whole school system in England (both the fee paying and state funded sectors combined) more segregated on socio-economic grounds than all selection at these schools due to academic ability, aptitude and ability to pay fees.

Not only is such socio-economic exclusion due to religious selection undesirable in an inclusive society, but by serving the better-heeled in their communities distorts the original mission of most Church schools. The National Society, which created most Anglican schools, was established to provide schools for children from poor families.

Similarly, the precursor to the Catholic Education Service of England and Wales was named the 'Catholic Poor School Committee'. Such practice offends many of faith. If society is going to offer social privilege, then let it do so in a manner that is upfront and which does not taint religion or faith based schools.

*"Churches should be championing social justice and equality for all, not privileging their own."*

**The Rev. Professor Christopher Rowland, Accord supporter and University of Oxford Theologian**

## Religious discrimination is out of step with mainstream values

<sup>9</sup> <http://fairadmissions.org.uk/map>

<sup>10</sup> For further details on the findings, please see the drop down table in the 'How socio-economically selective are different types of secondary school?' section under the 'Overall averages' tab at <http://fairadmissions.org.uk/map/>.

Not only is religious discrimination divisive and, in Accord's view, an abuse of privilege, it is also out of step with public opinion. A ComRes survey<sup>11</sup> undertaken in November 2012 for Accord showed that people believed by 73% to 18% (by four to one) that 'state funded schools, including state funded faith schools, should not be allowed to select or discriminate against prospective pupils on religious grounds in their admissions policy'. 50% of respondents were recorded as agreeing 'strongly' with the statement.

*'There is a simple issue of justice here. State funds should be used for the well-being of all, and it is invidious for state schools operated by faith groups to be treated differently from others. To me, it is fundamental that Christians should never seek privilege.'*

**The Rev Iain McDonald, Accord supporter and Minister of Southernhay United Reformed Church, Exeter.**

Looking at British history, religious discrimination in education is out of keeping with advances in the freedom of religion. The Elementary Education Act 1870<sup>12</sup> established state schools in England and Wales for the first time, and it prevented the new schools from selecting pupils on the grounds of children's religious observance or belief. Meanwhile, the Universities Tests Act 1871<sup>13</sup> brought to an end religious selection in admissions and employment at Universities in the UK in regards to non-theological courses. Previously places of study and fellowships at the then privately funded Universities of Oxford, Cambridge, and Durham were restricted to Anglicans.

However, even though religious discrimination was out of keeping with mainstream values of the Victorian era (just as it is today), protections introduced in the 1870's in Higher Education not been extended to state funded schools, which can now discriminate against children because of their beliefs or practices if the school is a faith school. Legal protection offered to children accessing state funded schools in the 1870's has actually regressed.

### **Popular myths**

Accord has set out reasons why it believes religious discrimination in pupil admissions to state funded schools should be brought to an end – for reasons of fairness, equity and serving the common good. Below it now addresses common arguments put forward by defenders of the status quo. We do not address further the argument that the faith school sector does not require reform because it gets better results, as we believe there is now a wide consensus<sup>14</sup> that the different levels of academic attainment achieved by religiously selective faiths schools and other schools is accounted by the social and ability profile of pupils.

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<sup>11</sup> <http://accordcoalition.org.uk/2012/11/12/nearly-three-quarters-of-the-british-public-disagrees-with-religious-selection-in-admissions-at-state-funded-schools/>

<sup>12</sup> <http://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/1870educationact/>

<sup>13</sup> <http://www.legislation.gov.uk/ukpga/Vict/34-35/26>

<sup>14</sup> In October 2013 the think tank Theos published 'More than an Educated Guess: Assessing the evidence on faith schools'. Accord was highly critical of the report, questioning its accuracy, balance and intent (<http://accordcoalition.org.uk/2013/10/01/accord-coalition-contests-accuracy-balance-and-intent-of-theos-faith-schools-report/>). However, and despite this, it concluded 'As it stands, the evidence that the higher academic attainment of faith schools is due to something other than pupil selection criteria is weak. Therefore, for supporters of faith schools, we recommend moving away from a justification on the basis of academic outcomes ...' p50. Available at <http://www.theosthinktank.co.uk/files/files/More%20than%20an%20educated%20guess.pdf>



### **The state does not have to guarantee that parents can have their children educated at a particular faith school**

A partially strident argument put forward by some supporters of faith selection is that by letting schools select by faith it serves to better uphold parents' human rights to have their children educated in conformity with their own religious and philosophical conviction. Over time a change in emphasis has made from defending the liberty of faith schools and faith groups, to faith selection offering an indirect defence of the liberty of parents. It is put forward by many, including by many in government, and so is very important to consider.

The Human Rights Act gives further effect to rights and freedoms guaranteed under the European Convention on Human Rights, and both make certain that parents can ensure that their children are educated in conformity with their beliefs. The Convention was an instrument created after the Second World War and it sought to stop parents having another religion forced upon their children by the state against their wishes. For example, it would stop the state forcing Jewish children to recite Christian prayers at school. This is why parents of pupils at all state funded schools can choose to have their children withdrawn from activities like Religious Education and Collective Worship.

The obligation placed on the state however is not to guarantee a certain kind of philosophical or faith based schooling for parent's children, but for the state merely not to interfere. The right provided by the Act and Convention is not a positive right to require the state to help provide education in accordance with the religious wishes of parents, and it cannot be relied upon as such. Otherwise all parents could demand privileged access for their children to schools that accorded with their religion or beliefs – or where these schools do not exist, that the state must establish them. However, they cannot.

As the UK Parliament's Joint Committee on Human Rights similarly concluded<sup>15</sup> in 2010, 'We do not find persuasive the argument that it is necessary to allow faith schools to discriminate in their admissions on grounds of religion and belief in order to avoid a breach of the parents' rights under Article 2 Protocol 1 of the European Convention.' Laws set up to prevent religious repression are being misapplied and distorted to try and justify religious discrimination.

### **Setting up more schools with a different religious or philosophical foundation makes things worse**

Some argue that a solution to the current inequitable arrangements could be for the state to ensure more schools are opened of differing religious or philosophical characters. However, such an outcome would only lead to greater religious discrimination, as more and more children would become excluded from local schools for not having the 'right' beliefs.

Such a programme of opening new schools would also be expensive, not just in terms of opening the schools and requiring the state to fund an over-provision of school places in order to accommodate a variety of requirements, but it would also have significant implications in terms of travel time and cost for those attending school for work or study. Attempting to provide a plethora of schools with differencing religious or philosophical characters could also never work properly in theory, as many religion and belief groups are reticent or opposed to opening their own schools.

### **Faith groups contribute either a tiny amount or nothing towards the cost of their schools**

A common justification put forward by defenders of state funded faith schools being able to discriminate by faith and show favour to those the schools consider to be an adherent of the same faith or denomination, is that faith groups contribute towards the cost of these school's upkeep. However, this is becoming more and more uncommon.

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<sup>15</sup> Page 3 at <http://www.publications.parliament.uk/pa/jt200910/jtselect/jtrights/73/73.pdf>

Faith schools were first brought into the state maintained system as a result of the 1944 Education Act. Some became voluntary-controlled faith schools and were entirely state funded, while the majority become voluntary-aided (VA) schools. VA status gave the schools extra freedoms, including the ability to employ and recruit all teachers on the grounds of religion, to admit all of their pupils on religious grounds (the 2002 Education Act prevented state funded faith schools in England and Wales from turning away non-adherents if a school is undersubscribed) and to decide upon the kind of Religious Education or Instruction provided. But in exchange for these extra powers governing bodies were expected to meet 50% of the school's capital expenditure costs. Some of the contribution made by governing bodies might have been met by Church authorities or their local authority, though in reality much has been fundraised by schools from pupils' parents.

Schools capital costs are usually amount to a small fraction of total revenue costs, so ongoing financial support from faith groups has never been considerable. However, since 1944, and with no public debate, the required contribution towards capital spending at VA schools has come down and down. While the Regulatory Reform Order (Voluntary Aided Schools Liabilities and Funding) 2002 reduced the level from 15% to 10%, the real figure is now far below 10%, as the Department for Education no longer requires VA schools to make any contribution towards most<sup>16</sup> of its capital spending. Meanwhile, when a school re-opens as an Academy it no longer has to make any contribution towards its capital costs whatsoever. As such, the contribution that faith school governing bodies now make to their running costs is either not far from zero, or actually zero. The argument that faith schools should be able to enjoy privileges and exemptions from equality law because they help to meet some of their own costs has been almost completely eroded away.

### **Selection by faith does not ensure a school's faith ethos is maintained**

Many faith schools already do not operate any form of prioritisation by faith, yet still maintain a faith ethos. Furthermore, many faith schools that seek to educate children that they considers to be of its faith or denomination are unable to, helping show that faith discrimination is unnecessary and disproportionate. This includes the new wave of faith Free Schools - they are prevented from selecting more than half their pupils by faith - but also lots of other religiously selective schools that admit many children outside the faith or denomination because not enough from their own faith or denomination wish to attend.

For example, state funded Roman Catholic schools will typically seek to educate children they consider are Roman Catholic, and the most popular will admit 100% or near to 100% of such children. However, the Catholic Education Service's 2013 School Census<sup>17</sup> reveals that it considers only 70.2% of pupils at state funded schools and colleges in England to be Roman Catholic. This indicates that many Roman Catholic schools admit fewer than 70.2% Roman Catholic children, yet they still maintain their distinct ethos. Similarly, many Roman Catholic schools in the fee paying sector do not select by faith, yet still uphold their religious character.

Although Accord concerns itself with practice in England and Wales, it is keen to take lessons about the role of religion and philosophy in education from further afield. Selection by faith in school admissions at state funded schools something of an outlier. A recent study<sup>18</sup> by the Organisation for Economic Co-operation and Development (OECD) showed that England was one of only a very few number of OECD member countries that permit religious selection at state schools (4 out of 32 countries looked at - the other 3 countries identified were the Republic of Ireland, Estonia and Israel).

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<sup>16</sup> <http://accordcoalition.org.uk/2012/08/16/faith-schools-set-to-be-almost-entirely-state-funded/>

<sup>17</sup> [http://www.catholiceducation.org.uk/ces-census/item/download/18977\\_2e3811c1c451ea06087e02cf7a00ef9d](http://www.catholiceducation.org.uk/ces-census/item/download/18977_2e3811c1c451ea06087e02cf7a00ef9d)

<sup>18</sup> Table 2.3 p15 at [http://www.oecd-ilibrary.org/education/school-choice-and-equity\\_5k9fq23507vc-en](http://www.oecd-ilibrary.org/education/school-choice-and-equity_5k9fq23507vc-en)



Further research by the Fair Admissions Campaign has found<sup>19</sup> that in some Canadian provinces there are publicly funded Catholic schools that can refuse admission to non-Catholics before high school; in Germany a small number of private religious schools receive state funds and can religiously select, while in the Netherlands, private faith schools that receive state funding can loosely require that pupils and parents support the mission/vision of the school. However it was not able to find other OECD countries where religious selection was permitted, including many with stronger religious traditions, such as Italy, Spain, Poland and the USA.

Much closure to England and Wales, most state funded faith schools in Scotland are not permitted to select by faith at all, as their admission arrangements are controlled by local authorities. Religious selection in Scotland thus comes through self selection, not religious discrimination, and the schools still maintain their faith ethos. While some faith schools may wish to select by faith and prefer to educate pupils from certain backgrounds and with certain beliefs, international example demonstrates that they do not need to – they can still operate in a non-discriminatory way.

### **Conclusion**

Maintaining religious selection at state funded school involves sustaining a system that encourages parents to be insincere about their beliefs (as shown by the Sutton Trust survey and suggested by research from the Pastoral Research Centre) and in the process taints families, faith schools and different religions with hypocrisy. In the case of many Church Schools the practice goes as far as to distort their original aim to provide education for the poorest. The current system is being justified by corrupting the understanding of our human rights laws. By further segregating children by religion and ethnicity, religiously selective admission arrangements impede and undermine the growth of better community cohesion and helps to create an 'us and them' culture in the school system. In contrast, non-religiously selective faith schools avoid all these problems and instead have a good story to tell in terms of socio-economic inclusivity.

Rather than persisting with the current discriminatory arrangements, which is having a corrosive effect on the mission of many faith schools, the sincerity with which people hold and manifest religious belief and equality of opportunity, it is clear to many that the common good in society will be much better served if faith schools stopped selecting by faith. Accord urges the Commission to:

- draw attention to such negative practical consequences of selection by faith
- recognise that many people are opposed to religious discrimination in pupil admissions, both because of the practical consequences and also in principle, including many from a position of devout faith
- recognise that, while all may not wish to, it is possible for faith schools to further their aims by discriminating less or by not discriminating at all by faith in their admissions

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<sup>19</sup> Findings available at under 'It is out of step with our international competitors' at <http://fairadmissions.org.uk/why-is-this-an-issue/>

## **2. Faith school employment**

**Accord's submission in this section touches upon the first general question posed by the consultation - regarding society's sense of ease with the diversity of modern British society in terms of religion and belief - as well as two questions posed in its 'Education and Training' section: question 3, regarding selection of pupils and staff on grounds of religion or belief, and question 5, about recommendations relating to education and training that the Commission should make.**

As with religious selection in pupil admissions, Accord opposes religious selection in teacher employment because it is discriminatory. Excellent teachers and support staff are key to giving children and young people a high quality and rich education they need and should deserve. Neither should be victim to discrimination, and nor should discrimination be a part of school life. However, there are other practical and legal issues around current arrangements that we wish to highlight.

### **Teachers at faith schools are uniquely vulnerable to religious discrimination**

As the Commission will be aware, about a third of state funded faith schools in England are either voluntary controlled or foundation schools, or were previously so before they reopened as an Academy. These schools have the ability to show preference on religious grounds in the appointment, remuneration, and promotion of up to 1/5 of their teachers, who have selected for their fitness to give Religious Education (RE) in accordance with the school's religious denomination (this is despite these schools teaching non-instructional RE determined by their local authority). The schools also have the power to discipline and even dismiss these reserved teachers due to any conduct on their part which is incompatible with the precepts, or with the upholding of the tenets, of its religion or religious denomination, as defined by the school itself (rather than any central religious authority). The same powers over reserved teachers are possessed by the other two thirds of state funded faith schools (voluntary aided and other Academy faith schools), as well as by all private faith schools, but cover all (100%) of their teacher posts.

These special freedoms enjoyed by faith schools are made possible through exemptions from equality law, which sit at odds with how the law relates to most other faith based organisations. For example, if a charity with a religious ethos or foundation decided that it wished to ensure a senior member of staff held the same religious beliefs it would have to show such discrimination was required, legitimate and proportionate; that there was a genuine occupational requirement. In contrast, state funded faith schools have a blanket freedom over the recruitment and employment of teachers (either 20% or, in most cases, 100%), regardless of whether a teacher has a pastoral role, teaches instructional RE or leads worship, or even if no regard was given to the teacher's religion or beliefs when they were originally appointed.

### **What is happening in practice?**

It is difficult to gather evidence beyond the anecdotal, as government does not actively monitor the situation. Disciplinary matters are by their nature usually treated confidentially and teachers have little incentive to be open about them. Staff and applicants are very unlikely to take issues around religion and belief to Employment Tribunals when it is widely considered that faith schools are not acting illegally.

In September 2012 the Equality and Human Rights Commission (EHRC) highlighted in their wide ranging report into equality issues around religion and belief 'Religion or belief, equality and human rights in England and Wales'<sup>20</sup> that 'there is a [unmet] need to monitor the practical impact of

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<sup>20</sup> <https://metranet.londonmet.ac.uk/fms/MRSite/Research/HRSJ/Publications%20&%20reports/EHRC%20Religion%20%20Report%20300812.pdf>

discrimination that is permitted within the education system, in relation to ... employment' (p xvii). Their call has sadly so far been ignored by the Department for Education.

It is for individual schools to determine what their religious tenets are, so practice between them may be highly variable. However, we know of very worrying issues through our work, such as media reports of people losing headships at Roman Catholic schools over remarrying<sup>2122</sup>, and people contacting us directly, such as below.

*"Relatively recently a head teacher at a Bradford school was required to step down because they wanted to remarry, as this went against the tenants of the school's faith. The head teacher was excellent at their job, and actively upheld the religious ethos of the school while in their post. However, rather than to live in sin, they wanted to marry their partner, and had to pay a penalty of losing their job for wanting to find happiness in their personal life in this way.*

*The head teacher should have been protected under employment law. The power for schools to treat teachers in this way is over overdrawn, unjustified and unjust."*

**Cllr Ralph Berry, Portfolio Holder for Children and Young People, Bradford Metropolitan District Council, who contacted Accord in May 2012**

The Al-Madinah School in Derby was alleged<sup>23</sup> to have required female staff to cover their head - this is something the school later wrote to parents was not required, but could have been possible under the law. Again, due to the secrecy around school employment and a lack of monitoring, there is uncertainty about what is taking place.

### **Problems for local communities and schools themselves**

Faith schools may already provide an insular education, especially if they only admit pupils of certain religious and cultural backgrounds and provide a narrow curriculum. Selecting teachers by faith can make schools even more homogeneous and inward looking, undermining their contribution towards broadening pupils' horizons and social cohesion further.

Faith selection in employment directly inhibits schools by limiting their recruitment pool. The NAHT's '17th Annual Report: The State of the Labour Market for Senior Staff in Schools in England and Wales' (2011) found 'once again this year, faith schools experienced particular difficulty at all stages of the recruitment process; this is especially true for many Roman Catholic schools, where the appointment rates were lower than any other school type' p6.

### **UK law is disproportionate and overdrawn**

Article 4.2 of the European Council Directive 2000/78/EC<sup>24</sup> permits organisations with an ethos based on religion or belief to treat persons differently in recruitment and employment on the grounds of religion or belief where there is 'a genuine, legitimate and justified occupational requirement' and 'to require individuals working for them to act in good faith and with loyalty to the organisation's ethos'. In contrast UK law gives faith schools a blanket freedom to discriminate and the much wider power to dismiss teachers for conduct they determine is incompatible with the precepts of their faith.

<sup>21</sup> <http://www.walesonline.co.uk/news/wales-news/cardiff-faith-school-corpus-christi-6991546>

<sup>22</sup> <http://www.theguardian.com/education/2009/jul/22/headteacher-remarry-forced-resignation>

<sup>23</sup> <http://www.derbytelegraph.co.uk/Teachers-Derby-s-Muslim-school-ordered-wear/story-19822232-detail/story.html>

<sup>24</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

Parliament's Joint Committee on Human Rights has echoed Accord's concern. In their 2010 'Report on the Equality Bill'<sup>25</sup> it noted UK law '... may be in breach of the Framework Equality Directive 200/78/EC, on the basis that the reservation of such posts is not restricted to circumstances where it can be shown that a genuine, legitimate and justified occupational requirement to adhere to a particular religious belief can be said to exist.' p6/7

Many faith schools employ lots of teachers that are not of the faith, helping demonstrate that teachers do not need to be discriminated against for them to uphold a school's ethos. For example, the Catholic Education Service's 2013 school census<sup>26</sup> found that 33.1% of teachers at Roman Catholic primary schools and 55.8% at Roman Catholic secondary schools in England were not Roman Catholic. This highlights how there often rarely enough teachers of 'the right faith' in the right places to go round, and how such selection is unnecessary to maintain a particular religious ethos. Those Roman Catholic schools with fewer teachers of the school's faith are no less faith schools.

### **Conclusion**

In reality some faith schools do not realise the powers they have in the area of employment, and would not exercise the powers if they did, though (as the EHRC highlight) there is a shortage of information about what is really going on. However, many faith schools can and do use them and, as over a third of state funded schools in England are faith schools, a huge number of people are unprotected.

Religious selection in teacher employment is legally sanctioned discrimination, which Accord opposes. However, progress would be achieved if, rather than supporting the status quo, the Government at least required faith schools to show that different treatment on faith grounds in employment was a 'genuine, legitimate and justified occupational requirement' and 'to require individuals working for them to act in good faith and with loyalty to the organisation's ethos', rather than be punished for their private life.

Accord urges the Commission to:

- note the anomalies in the law around faith school teacher employment and the large number of people who are left unprotected
- consider in its review whether the current legal arrangements are justified and proportionate
- consider how schools could advance legitimate aims in the employment of their teachers, but in ways that are least/ less discriminatory
- echo the EHRC's call for more monitoring in this area by government

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<sup>25</sup> <http://www.publications.parliament.uk/pa/jt200910/jtselect/jtrights/73/73.pdf>

<sup>26</sup> [http://www.catholiceducation.org.uk/ces-census/item/download/18977\\_2e3811c1c451ea06087e02cf7a00ef9d](http://www.catholiceducation.org.uk/ces-census/item/download/18977_2e3811c1c451ea06087e02cf7a00ef9d)

### **3. School Curriculum**

**Accord's submission in this section addresses the first and fourth general questions posed by the consultation, regarding society's sense of ease with the diversity of modern British society in terms of religion and belief, and how religion and belief is handled in the curricula of state funded schools. It also addresses questions 1 and 5 of the Commission's 'Education and Training' section - about the appropriateness and adequacy of teaching about religion and beliefs in state funded schools, and recommendations relating to education and training that the Commission should make.**

The Accord Coalition is worried that some schools fail via their teaching to respect pupil's autonomy or to prepare them well enough for life in an increasingly diverse society. Accord is especially concerned about the provision of Religious Education (RE), Collective Worship and Sex and Relationships Education (SRE), which it addresses in turn below.

#### **Religious Education**

RE is currently in the anomalous position of being the only compulsory subject in state maintained schools in England and Wales that is not part of the National Curriculum. Most schools follow a locally agreed RE syllabus produced by their local authority responsible for education. This includes the minority of faith schools that are still voluntary controlled or foundation. Most Academies and all other faith schools can determine the RE syllabus they provide.

#### **Faith schools can provide an insular education**

Faith schools that determine their own RE are not required to teach about other religions and beliefs and can present their faith as objective truth. Crucially, unlike other subjects, Ofsted does not inspect the teaching or content of RE in faith schools, while the exam system facilitates schools wishing to pursue a narrow approach. For example at GCSE faith schools can opt to only provide RE modules about its faith or denomination.

#### **RE is declining, especially at non-faith schools**

Budgetary constraints, combined with fewer and fewer schools having to adhere to local RE syllabuses, has led to local authorities reducing their support for RE. Meanwhile, some schools are not even meeting their statutory duty of providing RE.

A November 2013 survey<sup>27</sup> by the National Association of Teachers of Religious Education found that secondary schools were increasingly providing RE GCSE over three years, rather than two. 26% of schools in the survey did not provide RE at Key Stage Four, at all, and 12% did not provide RE to all students at Key Stage Three. RE's standing in schools in England has declined since the introduction of the English Baccalaureate performance indicator.

Ofsted published a triennial review<sup>28</sup> into the teaching of RE in English schools in October 2013. It painted a worrying picture, concluding the subject was suffering from low standards, weak teaching and gaps in teacher training, as well as reduced support by local authorities. Its recommendations included that the Department for Education should ensure that the provision of RE is better monitored (particularly in secondary schools); that it works more closely with professional associations for RE, and reviews the current statutory arrangements for the subject. Little progress has since been made.

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<sup>27</sup> [http://www.retoday.org.uk/media/display/NATRE\\_EBacc\\_Survey\\_2013\\_final.pdf](http://www.retoday.org.uk/media/display/NATRE_EBacc_Survey_2013_final.pdf)

<sup>28</sup> <http://www.ofsted.gov.uk/resources/religious-education-realising-potential>

### **There is a broad consensus about what RE should include**

The current Government has reassessed and changed the National Curriculum, but decided to exclude RE from its curriculum review. The Religious Education Council (REC) of England and Wales brings together all of main religion and belief groups and professional bodies directly concerned about RE. Paralleling the Government's National Curriculum review, the REC conducted its own two year long review into RE, culminating in October 2013 with the publication of a new subject framework for RE<sup>29</sup>. It built upon 'The non-statutory national framework for Religious Education'<sup>30</sup> (2004), which was produced for the Secretary of State for Education, also with the support of England's main RE professional organisations and religion and belief groups. Both documents offer widely accepted and popular frameworks about what primary and secondary schools should cover in RE, though the REC's framework is looser and more up-to-date.

Support for broad and balanced RE is popular amongst the public. A ComRes survey<sup>31</sup> from June 2011 commissioned by Premiere Christian Radio found that 84% of British adults agreed that 'Learning about the religions and cultures of other people is an important part of understanding modern society', with 11% against. It also found that only 14% agreed that 'Children do not need to learn about other religions and cultures', with 81% disagreeing.

### **A minimum curriculum entitlement for RE provides a safeguard and guarantees rights**

England currently has the worst of both worlds: many faith schools teaching narrow RE, and many schools, especially non-faith schools, cutting back on (and in some cases even ceasing) provision of RE. It is vital that children and young people receive an education about the broad range of beliefs in society, partly for general knowledge as a pathway to good citizenship, and also to uphold children's right to a broad education under the UN's Convention on the Right of the Child. The Convention states that children in education have the right to 'to seek, receive and impart information and ideas of all kinds ...' and be prepared for 'responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups ...'.

A wider review of RE by government is long overdue and introducing some kind of a minimum RE entitlement for pupils would help ensure they all receive RE and learned about the beliefs of 'others'. Faith schools may still choose to provide instructional/ confessional RE or provide extra focus about its own faith, but this would be on top of a core entitlement to an education about the major belief systems in Britain today. If it were required that these two types of RE should be taught separately then it enable those parents only wishing to withdraw their child from instructional RE to do so.

Accord believes the right for parents to withdraw their children from the teaching of instructional RE should be transferred to pupils where they are of sufficient maturity. At the moment only sixth form pupils can withdraw themselves. As the JCHR has observed<sup>32</sup>, 'provisions which fail to guarantee children of sufficient maturity, intelligence and understanding the right to withdraw from compulsory religious education and collective worship are incompatible with their human rights'.

### **Conclusion**

Accord does not think 'confessional' education is the job of the taxpayer funded school system. However, given the broad consensus that exists about what RE teaching should provide for pupils,

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<sup>29</sup> <http://resubjectreview.recouncil.org.uk/re-review-report>

<sup>30</sup> <http://www.mmiweb.org.uk/publications/re/NSNF.pdf>

<sup>31</sup> <http://www.comres.co.uk/poll/478/premier-media-extremism-poll.htm>

<sup>32</sup> Legislative Scrutiny: Education and Skills Bill, JCHR, May 2008, HL Paper 107, HC 553



and when it is considered the contribution that high quality RE makes in developing the analytical tools and human sympathies needed to appreciate and understand different beliefs and values, while also developing and adhering to one's own life-stance, we urge the Commission to recommend that the UK Government and Welsh Assembly to:

- review the provision of RE in England and Wales respectively, with a view to giving all pupils at state funded schools a minimum RE entitlement
- transferring to pupils that meet the Gillick competency opt out rights from instructional teaching

### **Collective Worship**

As the Commission will be aware, the law in England and Wales requires every state maintained school to hold a daily act of worship. In the case of schools with a religious character this worship must be 'in accordance with the tenets and practices of the religion or religious denomination' of the school. In the case of schools without a religious character this worship must be 'wholly or mainly of a broadly Christian character', meaning that a majority of school assemblies must be broadly Christian in nature, but that all can be such. The same requirement is made of state funded independent schools (Academies, which includes Free Schools, Studio Schools and University Technical Colleges) through their funding agreements.

Schools can be offered a determination that allows them to provide religious worship that is better suited to the background of pupils. Brent Council has been particularly inventive in this regard and has agreed determinations for several schools for worship that is multi-faith<sup>33</sup>. However, these schools cannot be truly inclusive of the non-religious and Brent's innovative approach is something of an outlier. Also, as with RE, only sixth form pupils are able to withdraw themselves, which appears to deny children their freedom of thought, conscience and belief, as guaranteed under Article 9 of the European Convention of Human Rights and Article 12 of the United Nations Convention on the Rights of the Child.

### **The provision of school assemblies is declining**

Assemblies provide a school with a useful opportunity to advance pupils' spiritual, moral, social and cultural education, and investigate and forge shared values. Assemblies are however one of the most overlooked aspects of the timetable. There is no school assembly subject association and it lacks cheer leaders. Assemblies are also held back by the repressive mandatory worship laws, which some schools find completely unworkable.

The law on Collective Worship is largely unenforced. In 2004 Ofsted stopped asking its inspectors to consider it, citing at the time<sup>34</sup> that 76% of secondary schools were non-compliant with the law - either not having worship every day or not having worship at all. *Worship in School Study*<sup>35</sup> for the BBC by ComRes in July 2011 suggested that only 28% of children took part in a daily act of Collective Worship at their school while 60% of adults (to 36%) thought the Collective Worship laws should not be enforced. It is perhaps not unsurprising that such an oppressive law is widely ignored, but this is an unhealthy position in a democracy and we currently have some schools implementing repressive laws and others simply not providing assemblies.

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<sup>33</sup> 'Collective Worship in Brent Schools' is available at

[http://brent.gov.uk/media/946260/collective\\_worship\\_model\\_approach.pdf](http://brent.gov.uk/media/946260/collective_worship_model_approach.pdf)

<sup>34</sup> <http://www.theguardian.com/education/2004/jun/11/schools.uk>

<sup>35</sup> ComRes polled a weighted and representative sample of between 519 and 1736 adults in Great Britain. The detailed poll results can be found at [http://www.comres.co.uk/polls/BBC\\_Religion\\_Worship\\_in\\_schools\\_results\\_\(plus\\_regions\)\\_July11.pdf](http://www.comres.co.uk/polls/BBC_Religion_Worship_in_schools_results_(plus_regions)_July11.pdf). Last accessed February 27<sup>th</sup>, 2012.

“Yesterday my 5 year old child was made by the head teacher to bow her head and put her hands together while other children prayed during school assembly. Before joining the school we brought this up with the head who re-assured us that no religious practices of any specific faith would be forced upon our child. However, when my wife mentioned it to the head today, the Head's reply was that ‘well it's the law’, as well as ‘you celebrate Christmas don't you?’.”

**Stewart Baylis-Crisp, Plymouth, who contacted Accord in December 2013**

### **Compulsory worship cannot be justified**

Compulsory worship is both out of step with mainstream values and theologically incoherent. As the Bishop of Oxford, The Rt Revd John Pritchard, said<sup>36</sup> while commenting on the Collective Worship laws in a BBC interview in July 2014, ‘worship is by definition a voluntary activity’. The Bishop is Chair of the Church of England’s Board of Education and the Episcopal spokesperson on education in the House of Lords.

### **Conclusion**

Reform of the Collective Worship laws is long overdue. Despite repeated calls for them to be repealed (this summer calls have come from the National Governors' Association<sup>37</sup> and the Liberal Democrats<sup>38</sup>), the Government continues not to take action. As a consequence of its ongoing apprehension to challenge the status quo, the standing of assemblies in many schools has continued to slide.

In the absence of an assembly subject association there is not the broad agreement about what assemblies should provide, like there is with RE. However, a consensus can be reached. For example, in January 2014 the Church of Scotland and the Humanist Society of Scotland issued a joint call<sup>39</sup> for the law requiring Religious Observance in Scottish schools to be replaced with a ‘Time for Reflection’, to make school assemblies ‘more inclusive and clearly not gatherings where one faith or belief system is promoted over another’.

Accord urges the Commission to:

- highlight the unsatisfactory legal arrangements around school assemblies, both how they infringe upon people’s autonomy and have allowed for a culture where many schools do not take assemblies seriously
- call for the repeal of the requirements for state funded schools to hold acts of Collective Worship and their replacement with guidelines for assemblies that draw upon a range of sources, but which are genuinely appropriate for all pupils and staff, regardless of their religion or beliefs
- call for the transferring to pupils that meet the Gillick competency opt out rights from worship that any state funded school provides

### **Sex and Relationships Education**

<sup>36</sup><http://accordcoalition.org.uk/2014/07/14/bishop-of-oxford-calls-for-reform-of-collective-worship/>

<sup>37</sup><http://accordcoalition.org.uk/2014/06/29/national-governors-association-calls-for-abolition-of-collective-worship/>

<sup>38</sup><http://accordcoalition.org.uk/2014/10/09/liberal-democrats-join-call-to-end-compulsory-collective-worship/>

<sup>39</sup>[http://www.churchofscotland.org.uk/news\\_and\\_events/news/2014/time\\_for\\_reflection\\_legislation\\_brought\\_forward](http://www.churchofscotland.org.uk/news_and_events/news/2014/time_for_reflection_legislation_brought_forward)

It is vital for the health and wellbeing of pupils that they have an entitlement to Sex and Relationships Education (SRE). High quality SRE gives children and young people the tools to be clear about personal boundaries, understand how their bodies work, resist pressure, seek help when they need it, as well as challenge misleading and inappropriate messages in the media. This is an important safeguarding issue. Children and young people should have a right to learn about how their bodies work and risks they may face.

The best schools already provide high quality SRE, but its development is frustrated in others by a narrow lobby lacking in evidence, which seeks to delay when information surrounding how human reproduction occurs is presented. Religious arguments are sometimes misapplied so as to justify such approaches.

The October 2010 report 'Sex and Relationship Education: Views from teachers, parents and governors'<sup>40</sup> commissioned by range of groups, including the National Confederation of Parent Teacher Associations, the National Association of Head Teachers and the National Governors Association, found that 90% of parents and 93% of Governors thought schools should be involved in providing SRE, but that 80% of teachers do not feel sufficiently well trained and confident to talk about SRE. Only 9% of school leaders rated the teaching materials available to them as 'very useful'. More than one in four school leaders and a fifth of governors believe that current SRE in schools is failing children by preparing them for the future 'not well' or 'not at all well'.

Currently state funded schools do not need to provide SRE beyond basic sex education in the National Science Curriculum, which Academies are able to simply ignore. SRE is normally taught as part of Personal, Social, Health and Economic (PSHE) education in schools, and the former Qualifications and Curriculum Development Agency published non-statutory programmes of study for PSHE<sup>41</sup>, offering a well regarded, yet flexible framework for SRE teaching, enabling schools to take into account input from their ethos, pupils, parents and local community. The latest National Curriculum, introduced in September 2014, has however reduced the prescription around sex education, making them cursory.

### **Balancing children rights with the views and rights of others**

This is a sensitive and potentially controversial area, which we believe was tackled well by the un-amended Children, Schools and Families Bill 2009/10, which proposed making SRE compulsory from Key Stages One to Four. It argued that the teaching of PSHE (and thus also SRE) should adhere to the following principles<sup>42</sup>:

- The first principle is that information presented in the course of providing PSHE should be accurate and balanced

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<sup>40</sup> <http://www.nga.org.uk/uploadfiles/SRE%20Education%20Views%20from%20teachers%20parents%20and%20governors.pdf>

<sup>41</sup> The QCDA programme related to SRE at Key Stage Three can be found at : <http://webarchive.nationalarchives.gov.uk/20110813032310/http://www.qcda.gov.uk/resources/publication.aspx?id=17b2f6fa-9b66-4d48-bd07-b7061fc9efce>

And Key Stage Four at

<http://webarchive.nationalarchives.gov.uk/20110813032310/http://www.qcda.gov.uk/resources/publication.aspx?id=db999bdd-9859-4fe3-a8b6-6018d1a88428>

<sup>42</sup> Clause 11, subsection 4 (p13 to 14). Bill as tabled available at <http://www.publications.parliament.uk/pa/cm200910/cmbills/008/2010008.pdf>

- The second principle is that PSHE should be taught in a way that is appropriate to the ages of the pupils concerned and to their religious and cultural backgrounds, and also reflects a reasonable range of religious, cultural and other perspectives
- The third principle is that PSHE should be taught in a way that endeavours to promote equality, encourages acceptance of diversity [including sexual diversity], and emphasises the importance of both rights and responsibilities

Although this section of the Bill fell in the wash-up period just before the May 2010 General Election, it demonstrates that a consensus can be forged about how to balance pupils rights with the views of a school or parent. The Bill was supported by a wide range of groups, including the Catholic Education Service of England and Wales and the Church of England.

Curiously parents can currently withdraw their children from sex education classes up until the age of 19. Accord believes children's right to SRE should trump other considerations and the parental right of withdrawal in this area should come to an end.

### **Conclusion**

Accord urges the Commission to:

- call for an extension of a rights based approach in the provision of SRE in state funded schools, giving pupils an entitlement to receive it
- review the appropriateness of parents being able to deny children education in this area

## **4. Overall Conclusion**

**In its overall conclusion Accord considers the nature of the debate around the role of religion and belief in education, and in so doing also touches upon the third general question posed by the consultation - does the media accurately and helpfully portray issues of religion and belief, and communities and groups identified by religion or belief?**

Schools can make a profound impact on human flourishing, and as such Accord finds it incongruous that the state should permit ones that receive state funds to religiously discriminate. As has been set out, schools also have a significant impact on community cohesion. In short, if our schools are not inclusive then wider society will not be.

As Accord has demonstrated, there is widespread support for schools to provide a broad curriculum and not to religiously discriminate. There is also widespread unease at how the role of religion and belief in the state system is currently negotiated. An Opinion survey in June 2014 found<sup>43</sup> that 58% of adults in Great Britain were opposed to faith schools, with 35% of the whole sample believing the state should not fund them and 23% recording that they should be banned entirely. An ICM poll from August 2010 for Channel 4 painted a similar picture<sup>44</sup>, finding that 59% thought 'Schools should be for everyone regardless of religion and the government should not be funding faith schools of any kind'.

Accord does not oppose schools with a philosophical or religious character, but a very large number of people do. As pointed out, allowing religious selection in pupil admissions is rare in developed countries, while the UK's laws on employment in faith schools may be overdrawn. Accord asks the Commission to consider why, in a liberal democracy, is public policy so far removed from public opinion and practice within the rest of the developed world?

### **Entrenched privilege and perceived group interest dynamics**

The religion and belief profile of England and Wales is changing quickly – broadly, the number of Christians is declining and number of non-religious and adherents of other world faiths increasing. In contrast, Christianity is massively privileged in the state funded school systems of England and Wales. 98% of faith schools are Christian, the vast majority of which are either Church of England/ Church in Wales or Roman Catholic, and these organisations have used their schools defensively as society has changed.

A more defensive approach from The Church of England was signalled with publication in 2001 of its 'The Way Ahead: Church of England schools in the new millennium'<sup>45</sup>. Produced by the Church's Church Schools Review Group, it set out the Church's policy towards its schools, seeing them as on a long term mission at securing 'the long-term well-being of the Church of England', with a duty to 'Nourish those of the faith; Encourage those of other faiths; Challenge those who have no faith'. The second of the two quotes was repeated by the Church as recently as its current school admissions policy guidance<sup>46</sup>, published in 2011.

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<sup>43</sup> [http://ourinsight.opinium.co.uk/index.php?q=sites/news.opinium.co.uk/files/op4610\\_observer\\_faith\\_schools\\_tables.pdf](http://ourinsight.opinium.co.uk/index.php?q=sites/news.opinium.co.uk/files/op4610_observer_faith_schools_tables.pdf)

<sup>44</sup> [http://www.icmresearch.com/pdfs/2010\\_august\\_c4\\_FaithSchools.pdf](http://www.icmresearch.com/pdfs/2010_august_c4_FaithSchools.pdf)

<sup>45</sup> <http://www.churchofengland.org/media/1118777/way%20ahead%20-%20whole.pdf>

<sup>46</sup> [http://www.churchofengland.org/media/1513919/nsadmissionsguidancejune2011final%20\(3\).pdf](http://www.churchofengland.org/media/1513919/nsadmissionsguidancejune2011final%20(3).pdf)

Meanwhile, in April 2012 the Catholic Education Service of England and Wales wrote<sup>47</sup> to all state funded Roman Catholic secondary schools, asking that they draw pupil's attention to an online campaign petition opposing civil marriage equality. These state funded schools sought to politicise pupils in a partisan way and were used as a political tool to oppose the actions of the government.

Further insight into the contribution of perceived group interests in debate about faith schools is explored in 'Attitudes towards School Choice and Faith Schools in the UK: A Question of Individual Preference or Collective Interest?'<sup>48</sup> (July 2014) by Patrikios and Curtis. As the authors observe, faith schools have been caught in recent years up in debate about parental choice in education. Looking at the 2007 British Social Attitudes survey, they found widespread support for the principle of school choice in general, but only minority support for parents being able to choose faith schools. The paper found much stronger support for faith schools among denomination members in countries where their denomination had a significant presence in school age education.

For example, while there is a widespread provision of Roman Catholic schools throughout the UK, there is only a widespread provision of non-Catholic Christian schools in England and Wales. The paper observed that there was a much lower level of support for parents being able to choose faith schools among Protestants in Northern Ireland and Scotland (17% and 15% respectively , versus 33% support in England and 41% in Wales), and among the non-religious throughout the whole of the UK. In contrast, a majority of Roman Catholics supported parents having the choice of sending their child to a faith school in all four of the UK's constituent countries (support ranged between 54% to 68% among this group). In conclusion they suggest '... attitudes towards faith-based schools reflect social (religious) identities and group interests associated with those identities rather than beliefs about the merits of individual choice ... We conclude that rather than reflecting a supposedly a-social concern with choice, support for diversity of educational provision may be rooted instead in collective – and potentially antagonistic – social identities.'

Motivations based on perceived group interest, combined with defensive reactions from church authorities to a decline in adherents, makes for a very unhealthy environment in which to form public policy that focuses on serving the common good, and in a fair way. Debate about the role of religion and belief in education touches upon a range of other emotive topics, such as competing rights between schools, children and parents, and how to deal with diversity and difference. As such, the role of religion and belief in schools receives an enormous amount of media coverage. As a campaign group Accord actively contributes to this public debate, to inform and change opinion. However, the media is by its nature attracted to the sense of conflict, so stresses difference, which in turn makes the formation of consensus even harder to come by.

It should come as little surprise that when some belief groups have privileges to act in narrow and exclusive ways in the school system that an 'us and them' culture should develop, with others beginning to consider certain schools as 'theirs', as highlighted by the much reported Birmingham Schools (otherwise known as the 'Trojan Horse') scandal this summer. None of the schools investigated in Birmingham were faith schools - all were community schools – but had they been faith schools, many of the practices roundly criticised by inspectors and politicians would have been considered acceptable.

Accord thinks it would be disastrous to open a new wave of minority faith schools that can discriminate by faith and provide a narrow curriculum, but the Birmingham schools highlight how as

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<sup>47</sup> <http://accordcoalition.org.uk/2012/04/25/state-funded-catholic-secondary-schools-told-to-highlight-opposition-to-same-sex-marriage/>

<sup>48</sup> <http://journals.cambridge.org/action/displayFulltext?type=1&fid=9281487&jid=JSP&volumeId=43&issueId=03&aid=9281483>



a society we are failing to properly accommodate individuals of different religions and beliefs in the school system in a way that is equitable and consistent. Events in Birmingham, combined with the strong reaction by government and media that followed, demonstrate the unsustainability of how religion and belief in schools is currently handled.

### **Need for leadership**

The current adversarial policy environment works against the formation of consensus but, as Accord has demonstrated, it already exists in many areas, such as in the RE Council's framework for RE, the Church of Scotland and the Humanist Society of Scotland's joint call on school worship, and the support by the country's main religion and belief groups for the mandatory provision of SRE in the unamended Children, Schools and Families Bill 2009/10. Some existing faith schools in England and Wales, along with many others in the developed world, show that they can refrain from discriminating and provide a broad and inclusive curriculum. Failure to take action risks further Birmingham school scandals and a further loss of public confidence in faith group's role in the state funded school systems. Creating a new wave of segregatory and exclusive faith schools would undermine the growth of mutual understanding and weaken community cohesion. The long term solution is for a more open and inclusive school system. Accord urges the Commission to be a part of that wakeup call, and to call upon interested parties to refocus on serving the long term common good and for political parties and Government to show much greater leadership.

**Rev Stephen Terry. Accord supporter, Rector of the Parish of Aldrington in Hove and school Governor, including formerly Chair of Governors at a state funded faith school.**

*'Faith selection at Church of England schools make the Church appear defensive and inward looking, when the schools should look outwards, as an expression of the warmth and generosity of our mission to the whole community. Having open admissions would not only better serve local communities, but would undoubtedly help to achieve a more positive image and reputation for the Church in our society'.*

Accord's full list of recommendations for the Commission is as follows:

- note negative practical consequences of selection by faith (further segregating children by ethnicity and socio-economic background, undermining equality of opportunity, incentivising people to be insincere about how they manifest religious belief)
- recognise that many people are opposed to religious discrimination in pupil admissions, both because of the practical consequences and in principle, including many from a position of devout faith
- recognise that faith schools can further their aims with discriminating less or not at all by faith in admissions
- note the anomalies in the law around faith school teacher employment and the large number of people who are left unprotected
- consider whether the current legal arrangements are justified and proportionate, and how schools could advance legitimate aims in the employment of their teachers in ways that are less or the least religiously discriminatory
- urge the UK Government and Welsh Assembly to review the provision of RE in state funded schools, with a view to giving all pupils a minimum RE entitlement
- highlights the unsatisfactory arrangements and outcomes around school assemblies (the decline in their provision, schools not respecting pupil's autonomy, that proper worship cannot be compelled)
- call for the repeal of the requirements for state funded schools to hold acts of Collective Worship and for their replacement with guidelines for assemblies that draw upon a range of sources, which are appropriate for all pupils and staff, regardless of their religion or belief

- support transferring to pupils that meet the Gillick competency opt out rights from instructional teaching and worship
- call for an extension of a rights based approach in the provision of SRE in state funded schools, giving pupils an entitlement to receive it
- review the appropriateness of parents being able to deny their children SRE
- call upon all interested parties to refocus on serving the long term common good and for the UK and Welsh Government, in particular, to show much greater leadership in forging a political consensus regarding the role of religion and belief within the state funded school systems

### **About the Accord Coalition**

The Accord Coalition unites a wide range of member groups and individuals, who want all state funded schools to be made open and suitable for all children, regardless of their or their parents' religious or non-religious beliefs.

Its growing list of members and supporters include the Association of Teachers and Lecturers; the British Humanist Association; the Christian think tank Ekklesia; the British Muslims for Secular Democracy; the Hindu Academy, which promotes the teaching of Hinduism in the UK; The General Assembly of Unitarian and Free Christian Churches; The Runnymede Trust, the UK's leading race equality think tank, and members from the four largest groupings in Parliament.